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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,890	04/24/2006	Yoon Nyun Kim	TIP-PT001	5815

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VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
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JANG, CHRISTIAN YONGKYUN

ART UNIT	PAPER NUMBER
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3735

MAIL DATE	DELIVERY MODE
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09/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,890	<b>Applicant(s)</b> KIM, YOON NYUN	
	<b>Examiner</b> CHRISTIAN Y. JANG	<b>Art Unit</b> 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,8-10 and 12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/24/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
3. IDS filed on 04/24/06 has been considered in part, as it fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. It is noted that referencing the International Search Report is not an adequate explanation of its relevance as the ISR fails to specify its relevancy.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 contains an ambiguity between the preamble and the body of the claim. The preamble is directed to just an insulin pump, capable of being used in conjunction with a mobile communication terminal. However, the body of the claim recites a combination of the terminal and the pump as the first element is directed to a port connected to the terminal. It is unclear whether the claim is intended to be drawn to the combination or subcombination. Clarification is required. For purposes of examination, the claim will be interpreted as being drawn to the combination.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Causey, III et al. (USP #6,558,320), Choi (US 2003/0055323) and Houben et al. (USP #6,572,542), and further in view of Werner et al. (USP #6,425,863).

9. As to claim 1, Causey teaches an insulin pump (400) for use with a mobile communication terminal capable of measuring a blood glucose level, comprising an external input port (210), an output port (400), memory (204), a control unit (216), an

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LCD display (102). Causey fails to teach a motor for supplying an insulin, although it does teach an insulin pump, in which a motor for driving the insulin would be obvious if not inherent.

Choi teaches an insulin pump with a motor ([0007]). As such, it would have been obvious to modify Causey with Choi to incorporate the use of a very well known and widely applied mechanism for applying a driving force. The combined teachings of Causey and Choi fail to teach a key input unit for inputting status as well as for automatically injecting insulin.

However, Houben teaches a device for determining hypoglycemia with a key input unit indicating the status regarding meals and sleep (col. 15, lines 35-54; col. 18 line 64 to col. 19 line 22) as well as a control block for generating control signals for delivery of insulin (col. 12 lines 25-44). In addition, Werner teaches the determination of insulin therapy dependent upon meals and other data (col. 1 lines 9-39). As such, it would have been obvious to one of ordinary skill in the art to modify Causey and Choi with Houben and Werner to enable the infusion of insulin to correlate to patient behaviors such as meals and sleep.

10. As to claim 2, the combined teachings of Causey, Choi, Houben, and Warner fail to teach the use of USB ports as an external input and output ports. However, the use of USB ports on any device as a means of connecting two devices are well known and used and as such would have been obvious to be incorporated into the combined teachings of those above.

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11. As to claim 3, Causey teaches an infrared port for an external input port (col. 9, lines 6-9).

12. As to claim 6, Warner teaches the tracking of the amount of food consumed (col. 2 lines 28-43).

13. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Causey, III et al. (USP #6,558,320), Choi (US 2003/0055323), Houben et al. (USP #6,572,542), and Werner et al. (USP #6,425,863), and further in view of Ford et al. (USP #6,633,772).

14. As to claims 8-10, Causey, Choi, Houben, and Werner fail to teach a database. Ford teaches a database for monitoring blood glucose levels (col. 21 line 66 to col. 21 line 4) in a diabetic with data attributes concerning such thing as user inputs regarding exercise, caloric intake, sleep, administration of medication, including the times thereof (col. 21 lines 60-65), and demographic information and medical history (col. 22 lines 5-25), enabling the determination of insulin dosage (col. 29 line 63 to col. 30 line 7), and alerts sent in messages (col. 17, lines 22 to 45). As such, it would have been obvious to modify Causey, Choi, Houben, and Werner with Ford to enable complex calculations regarding insulin dosage that incorporates a large number of patient parameters and variables.

15. As to claim 12, Ford teaches a network system wherein the terminal is one of a mobile phone, PDA, or PC (Fig. 7) which are capable of wirelessly accessing the internet (col. 25 lines 25-40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN Y. JANG whose telephone number is (571)270-3820. The examiner can normally be reached on Mon. - Fri. (8AM-5PM) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert L. Nasser Jr/  
Primary Examiner, Art Unit 3735

CJ  
/C. Y. J./  
Examiner, Art Unit 3735  
8/21/08